

## DELLETT AND WALTERS

PATENT AND TRADEMARK LAW

SUITE 1101

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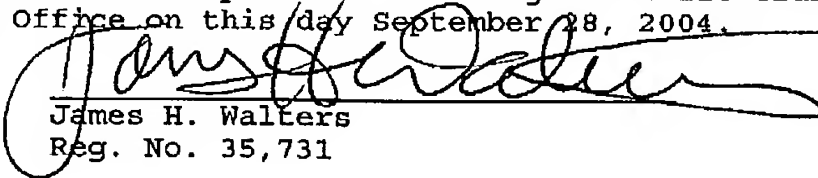
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SEP 28 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Board of Patent Appeals and Interferences

In re Application of

Confirmation no: 9950

Hiroto KITAHAIRA et al

Art Unit: 3654

S. N. 10/081,881

Examiner: Kim, Sang K

Filed: February 2, 2002

For: LAMINATION APPARATUS

REPLY BRIEF ON BEHALF OF APPELLANT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Examiner's answer mailed July 28, 2004,  
applicant respectfully submits this reply brief.

In the answer, the Examiner states that applicant argues  
against the references individually and does not therefore attack  
the rejections based on a combination of references. Applicant  
respectfully submits that the arguments have been against the  
combinations. It is certainly appropriate to attack a single  
reference to show that it does not teach or suggest some element,  
and then to conclude that since the element or teaching is absent  
in that one reference, that the combination thereby is not  
supporting of the rejection.

Applicant has argued against the references AS COMBINED.

Reply Brief-  
on Behalf of  
Appellant

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In the appeal brief as submitted by applicant, the following text appears:

"While the Examiner asserts it would be obvious to provide the invention in view of these documents together with FIGs. 5-7 of the application, applicants respectfully submit that it would not be obvious, since the desirability of the deforming feature is taught only by applicants, not by the documents relied upon. Applicants amended the claims to recite the word deformable rather than flexible, to address this issue."

It is respectfully submitted that this clearly argues against the combination of the document when combined as proposed by the Examiner with FIGs. 5-7 of the application. Applicant explicitly states this point here now - combining the documents cited by the Examiner with the FIGs. 5-7 does not teach or suggest applicant's claims.

With regard to the rejection over Kataoka in view of admitted prior art shown in figures 5-7, and described on pages 1-4 of the specification, applicant stated the following in the appeal brief:

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Appellant

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In view of this, it is respectfully submitted that there would be no motivation to include a rubber cord of the admitted prior art into the device of Katoka.

This clearly argues against the COMBINATION, not to the document individually.

Still further in the appeal brief, applicant stated:

"It is respectfully believed by applicant that such a construction is neither taught nor suggested by the combination proposed by the Examiner."

And further, applicant stated:

Thus, even if it were deemed appropriate to combine the admitted prior art rubber cord with the rigid tube of Katoka (applicant does not admit this point and expressly argues against it above, but for purposes of argument discusses the possibility here), what would result would be a rubber tube, not a deformable tube of soft vinyl as claimed.

AND

In summary, combining the Katoka document with the FIGs. 5-7 and pages 1-4 prior art

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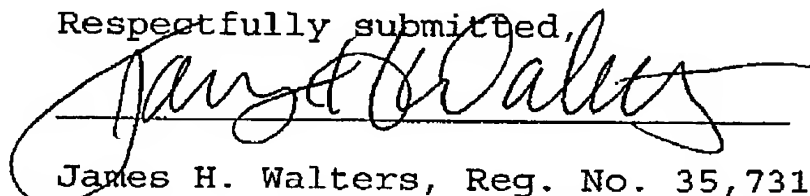
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would not be warranted, because the operational modes of these devices is different.

These extracted portions of the appeal brief clearly show that applicant has not argued against the references individually, but has, argued against the combinations. It is respectfully submitted that the characterization of the Answer that asserts that applicant argued against the references individually but not in combination, should be stricken as it does not reflect what applicant actually argued.

Respectfully submitted,

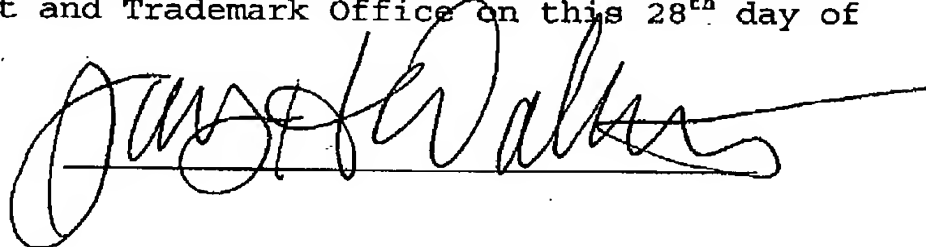


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